

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KALEMBA BALIMUNKWE,	:	Case No. 1:14-cv-327
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
BANK OF AMERICA, N.A.,	:	
AS SUCCESSOR TO FIRST FRANKLIN	:	
FINANCIAL CORP., <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 40)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on October 10, 2014, submitted a Report and Recommendations. (Doc. 40). Plaintiff filed objections to the Report and Recommendations (Doc. 44) and Defendants responded (Doc. 45).¹

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

¹ Specifically, Plaintiff argues that Defendants' initial disclosures were not timely filed, so they should be stricken from the record. (Doc. 44). Magistrate Judge Litkovitz addressed this issue in her Report and Recommendations, expressly stating that "any request for relief by plaintiff based on [BANA's] failure to file their initial disclosures is moot." (Doc. 40 at 15). Plaintiff has not identified any error with this Recommendation, and therefore this Court declines to modify the Recommendation on these grounds. The initial disclosures did not prejudice Plaintiff.

determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. Defendant Bank of America's motion for judgment on the pleadings (Doc. 21) is **DENIED**; and
2. Plaintiff's motion to deem facts admitted/motion for judgment on the pleadings (Doc. 30) is **DENIED**.

IT IS SO ORDERED.

Date: 12/5/14

/s/ Timothy S. Black
Timothy S. Black
United States District Judge